

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

OCTOBER 5, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 7:05 p.m. on this date.

Roll Call

Council Members in attendance included: President Patrick A. Hale, John E. Kessler, Dolores Gillis, Mayor Tim Evans, Bill Beagle, Vickie Blakey, and George H. Lovett.

Others in attendance: Utilities Director Mo Eichman, Assistant City Manager Brad Vath, EMS Chief Mark Senseman, Police Chief Tom Davidson, Joe Gibson, Don Ochs, Lindsey Gold, Josh Gold, and reporter Nancy Bowman.

Discussion Ambulance

City Manager Crusey said that the City has received a letter (7.27.09) from the First Baptist Church requesting to have the surplus ambulance donated to them for use in Kentucky. Govdeals estimates the value of this ambulance at between \$8-12,000 dollars as of June 2009. Chief Senseman added in the past these units brought \$3-5,000, but the economy has increased their value to other municipalities.

Councilmember Beagle asked what items are sold with the ambulance. Chief Senseman said the cot, cabinets, wiring, antenna, etc. Go with the unit.

Mayor Evans said the City owes it to the citizens to recapture as much revenue as possible given the current budget. Councilmember Blakey agreed, but asked if it did not sell to see if the unit could be given to a worthy agency closer to Tipp City. Councilmember Kessler said this was the first church to ask for our help. It was the consensus of Council to keep this unit on Govdeals and our website.

Water Taps for 7329 South Tipp-Cowlesville Road

Assistant City Manager Vath reviewed the PowerPoint (attached) regarding the request for additional taps into the Miami County Water System for the Ducker property at 7326 South Tipp-Cowlesville Road. Councilmember Lovett and Blakey asked what impact, if any this would have for the Dayton International Airport (DAY). Assistant City Manager Vath said he would check with DAY. It was the consensus to allow one tap per lot (maximum of 3) for the Ducker property, and to allow Miami County to extend the 12" DIP water main to the western edge of the Ducker property on Ginghamburg Road. Assistant City Manager Vath said two motions would be on the next Council agenda for their consideration and action.

Lightner Road Intervening User Agreement

Utilities Director Eichman reviewed the PowerPoint (attached) regarding the proposed Lightner Road Intervening User Agreement (IUA) to recoup the City's investment of \$143,038 expended to install the 12" waterline on Lightner Road. It was the consensus of Council to act upon this IUA at their next Council meeting.

The study session concluded at 7:30 p.m.

Adjournment

Patrick A. Hale, President of Council

Attest: _____
Bradley C. Vath, Acting Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

OCTOBER 5, 2009

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: President Patrick A. Hale, Dolores Gillis, Vickie Blakey, William Beagle, Mayor Tim Evans, George H. Lovett, and John E. Kessler.

Others in attendance: Finance Director Richard Drennen, Utilities Director Mo Eichman, Assistant City Manager Brad Vath, Fire Chief Steve Kessler, Chief of Police Tom Davidson, City Engineer Scott Vagedes, City Attorney Joseph P. Moore, *Dayton Daily News* reporter Nancy Bowman, and *Sunday Record Herald* reporter Joyell Nevins.

Guests signing the register included: Donald Ochs, Josh and Lindsay Gold, Rick Chaney, Thomas Chaney, Katelyn Black, Phillip Bullard, Barry Willoughby, Brian Brown, Paul Lee, Joe Gibson

Invocation and Pledge of Allegiance

Pastor Brian Brown delivered the invocation and President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Lovett moved to amend the agenda to add under Motions: A. Tabling of Tax Credit Matter; and B. Scheduling of Town Hall meeting in November 2009 to discuss funding street improvements. Motion was seconded by Mr. Kessler. Mrs. Blakey asked why Mr. Lovett wanted to table this matter. Mr. Lovett replied that he would like to see this matter delayed to have a chance to go through budgeting process. He would like to have a Town Hall meeting in November to present to citizens, in detail, the immediate problem with streets and what types of cuts and other measures we wish to address to fund those. Mr. Beagle has talked to a number of citizens who were at the September 21 meeting and they agree that a Town Hall meeting discussing general fund expense cutting operations is a good idea and would be appreciated. Mr. Beagle suggested that Council outline some of the things we have seen in study sessions and educate residents on street construction costs, how our general fund works, and ways to reduce general fund expenses and get feedback from community. Mrs. Blakey encouraged residents to attend October and November Council meetings as well. Mr. Crusey stated he would place the Budget Powerpoint presentation on Facebook, our website, and KIT-TV. Mr. Beagle made a motion to approve the amended agenda, seconded by Mrs. Gillis. The motion carried 7-0.

Adoption of Minutes

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the September 21 Pre-Meeting Study Session. The motion carried 7-0.

The minutes of the September 21, 2009 meeting were amended as follows: page 176, "Mayor Evans asked the audience how many people are aware that Kitty Lobo is a paid employee of the School for the purpose of communications." Mrs. Gillis moved, seconded by Mr. Lovett to approve the amended minutes. The motion carried 7-0.

**Presentations,
Proclamations, and
Awards**

**Ordinance
(Second Reading)**

Ordinance 24-09
Amend Zoning Code

The following ordinances were presented to City Council for adoption.

An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/-5 .0 acres (all of Inlot 2349) located at 425 Kerr Road, from R-1 (Residential) to OS (Office Service) zoning classification.

Clerk of Council Summary: The Planning Board recommended approval of this rezoning change. The applicant is proposing to construct an office building for his electrical engineering consulting firm.

City Manager Comments: This ordinance would rezone Inlot 2349 located at 425 Kerr Road from R-1 (Residential) to OS (Office Service). The purpose of the rezoning is for the construction of a commercial office building on this +/- 5 acre site for an electrical engineering consulting firm. The Planning Board reviewed this request at its August 11, 2009 meeting and recommended approval.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption. Motion was seconded by Mrs. Blakey and unanimously approved. Ordinance 24-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 25-09
Water Rules & Regs.

An ordinance amending Chapter 50.19 and 51.16 of the Codified Ordinances to incorporate changes to the Water Rules and Regulations to include Sewer Rules.

Clerk of Council Summary: Council reviewed these changes at their August 17, 2009 study session.

City Manager Comments: This ordinance amends the Code of Ordinances to reference the updated Water and Sewer Department General Rules and Regulations, which will be adopted by Administrative Order. These updates were reviewed with Council at your August 17, 2009 study session. The updated rules and regulations replace the Rules and Regulations Governing the Water Department that were adopted by the Board of Public Affairs in 1965.

There being no further discussion, Mrs. Gillis sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Ordinance 25-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolutions
(One Reading Required)**
Resolution 38-09
Streetscape Project

A resolution authorizing and ratifying a contract with Springmeade Health Center establishing emergency ambulance fee for service.

Clerk of Council Summary: This resolution authorizes the City Manager to enter into a contract.

City Manager Comments: The adoption of this resolution authorizes

the City Manager to enter into an agreement with Springmeade for EMS services. Amended House Bill 1 mandates that skilled nursing home facilities provide custom medical transportation along with other services to Medicaid residents. The cost of ambulance transportation for Medicaid residents was removed from the state budget and shifted to the nursing home facilities. Therefore, a contract for EMS services must be in place if a fee is to be charged by the City.

There being no further discussion, Mrs. Blakey sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Beagle and unanimously approved. Resolution 38-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 39-09
I-75 Exit #69

Mr. Beagle asked if this was an ongoing agreement or if it had to be renewed. Mr. Senseman stated that it was an ongoing agreement.

A resolution authorizing the City Manager to file an application and enter into an agreement with the Ohio Department of Transportation for the purpose of acquiring funds from the safe, accountable, flexible and efficient Transportation Equity Act for the I-75 Exit #69 Southbound Ramps Project.

Clerk of Council Summary: This resolution authorizes the City Manager to apply for funding and, if the grant is approved, sign all required documents for the execution of this grant.

City Manager Comments: This resolution authorizes the City Manager to submit an application to the Miami Valley Regional Planning Commission for the "local match" portion of the Ohio Department of Transportation's project to reconstruct the I-75 southbound ramps at Exit 69. City Council previously adopted Resolution 34-09 authorizing preliminary legislation in support of this project. The ODOT Safety Committee has approved this project for funding. The estimated cost of the project is \$4,000,000 with 80% being funded with ODOT Safety Funds, 10% from ODOT District 7 and a 10% local match. The City's local match would be an 80/20 split with MVRPC with a \$320,000 grant from MVRPC and \$80,000 from the City's Electric Fund. In addition to reconstructing the southbound ramps the project will also include a new traffic signal for the southbound ramps and the interconnection of the northbound and southbound ramps traffic signals with the City's traffic control computer system. The project is tentatively scheduled for construction in 2012, subject to the timing of the availability of funding from MVRPC.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Kessler and unanimously approved. Resolution 39-09 was declared passed and President Hale affixed his signature in witness thereto.

Mayor Evans noted that this is another tremendous opportunity afforded to the City of Tipp City to improve a situation that has been troublesome for many of the residents and motorists. To be able to do so with so many of the funds coming from outside the City is a tremendous opportunity.

Ordinance First Reading

Mr. Beagle sponsored an ordinance supplementing the appropriations

Supplemental
Appropriations

in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$454,000.

City Manager Comments: This ordinance would increase 2009 appropriations by \$454,000 in the following funds:

+ \$58,600	General Fund – These funds are necessary to cover larger than expected income tax refunds to corporations. The downturn in the economy has resulted in lower corporate profits which have resulted in higher income tax refunds since corporations pay estimated taxes based upon the previous year's return.
+ \$385,400	Clean Ohio Grant Fund – These funds were originally appropriated in the Water Fund for the purchase of the Senseman property, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. Appropriations in the Water Fund are being equally reduced via the ensuing reduction in appropriations ordinance.
+ \$10,000	Contractor Maintenance Fund – Due to an increase in contractor's submitting cash surety in lieu of bonds, additional appropriations in the fund are necessary.

Reducing Appropriations

Mr. Kessler sponsored an ordinance reducing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes the necessary reduction in appropriations of \$2,787,574.

City Manager Comments: This ordinance would reduce 2009 appropriations by \$2,787,574 in the following funds:

- \$2,174	FEMA Grant Fund – The City received less revenue than anticipated related to FEMA's reimbursement for clean-up costs related to the September 2008 wind storm.
- \$385,400	Water Fund – Clean Ohio grant funds for the purchase of the Senseman property were originally appropriated in the Water Fund, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. The preceding supplemental appropriation ordinance will appropriate these funds to a Clean Ohio Grant Fund.
- \$2,400,000	Water Tower Construction Fund – Bids for the construction of the new 1.0 million gallon water tower are tentatively scheduled to be opened December 18, 2009. Therefore, a

Waterline Improvements
Shoop Road

contract for this project will not be awarded until 2010. These funds will be re-appropriated as part of the 2010 budget.

Mrs. Gillis sponsored an ordinance accepting the waterline improvements as completed by the contractor for Shoop Road.

Clerk of Council Summary: All work has been satisfactorily completed on the waterline improvements made on Shoop Road to the eastern property line of 7025 S. County Road 25A.

City Manager Comments: This ordinance accepts the Shoop Road waterline public improvements. City Council, at its July 13, 2009 meeting, authorized the City Manager to enter into an Annexation and Service Agreement and a Waterline Construction Agreement for 7025 S. CR 25-A. The project involved the extension of a 12-inch waterline along Shoop Road to the easternmost property line of the subject property. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% cash bond has been filed with the City for any necessary repairs during the one year maintenance period.

Waterline Improvements
Cornerstone Drive

Mr. Lovett sponsored an ordinance accepting the waterline improvements as completed by the contractor for Cornerstone Drive.

Clerk of Council Summary: This is the waterline extension off the NAWA transmission main near the Montgomery/Miami County line that currently provides water service to HD Supply.

City Manager Comments: This ordinance accepts the Cornerstone Drive waterline public improvements. City Council, at its November 5, 2007 meeting, adopted Resolution 37-07 authorizing the City Manager to enter into a construction agreement with JM Grench for the installation of a 12-inch watermain on Cornerstone Drive in unincorporated Monroe Township. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% maintenance bond has been filed with the City for any necessary repairs during the one year maintenance period.

Water Tower

Mrs. Blakey sponsored an ordinance authorizing the City Manager to purchase a +/- 3.410 acre lot being all of Inlot #3738 on Success Circle for a proposed water tower.

Clerk of Council Summary: This ordinance authorizes the City Manager to purchase Inlot #3738 for ninety-nine thousand dollars (\$99,000.00) for placement of a water tower.

City Manager Comments: This ordinance authorizes the City Manager to purchase a +/- 3.410 acre lot, inlot #3738, on Success Circle for the construction of a new 1.0 million gallon water tower. Council, at its July 13th meeting, authorized the City Manager via motion to enter into a Contract to Purchase Real Estate with Logan-Berry Properties, LLC for \$99,000, which is below the \$142,350 appraised value of this property. At a future meeting City Council will be requested to authorize the City Manager to execute IRS Form 8263 affirming the "donation" of the difference between the appraised value

and the purchase price of property. The closing on this property will be completed by December 31, 2009.

Motions

Mr. Lovett made a motion, seconded by Mr. Kessler, to reconsider the tax credit meeting at the December 21, 2009 meeting. Motion was passed with a 6-1 vote; Mrs. Blakey cast the dissenting vote.

President Hale stated that a motion is on the agenda to set a Town Hall meeting in November and the date being suggested is November 10th. Mr. Beagle suggested moving the Town Hall meeting to a more neutral site. Mr. Lovett would like to send a notice to each citizen who attended the September 21st meeting, as well as advertising the meeting on Facebook, the website, and KIT-TV. It was noted that Planning Board will be meeting in the Council Chambers. Mr. Vath informed Council that the United Methodist Church and Zion Lutheran Church have larger meeting rooms available. President Hale made a motion, seconded by Mrs. Gillis, to have a Town Hall meeting on November 10, 2009 at 7 p.m, location pending. Motion was unanimously approved.

Citizen Comments

There were none.

Councilmember Comments

President Hale noted that the City's Facebook address is "City of Tipp City". He also informed residents that there is an interest in developing a Tipp City Disc Golf Course (Frisbee golf). A tournament has been scheduled on October 24th, beginning at 9:30 a.m., which will allow residents to participate and see what this sport is all about. This information has already been to the Parks Board and the organizers have talked with City Staff. All the money being raised from this tournament will be used to buy equipment for Disc Golf. The location is at Tipp City Park where baseball diamonds used to be. For more information go to Tipp City Disc Golf on Facebook or call 573-6011.

Mrs. Gillis reminded everyone that Thursday night is the night to hear from candidates from Council. She also congratulated the Mum Festival Committee for another successful year. Mrs. Gillis then thanked her fellow Councilmembers for working together for the betterment of Tipp City and its citizens.

Mayor Evans thanked the staff again for the work they did on the Exit 69 project and noted that a lot of time and effort goes in to these projects. He also encouraged citizens to remain engaged with Council during this budget process and stated that the Capital issues have been here for a long time and is not a new issue. Mayor Evans encouraged citizens to pay attention to Facebook postings and other means of communications the City is trying in response to resident comments that there was a lack of communication. He informed citizens that income tax collections are down \$88,000 for the month of September, which is 24.6% and noted that there is a lot of hard work ahead of us as a community and encouraged residents to attend the scheduled meetings as Council is trying to garner input from citizens.

City Manager Comments

City Manager Crusey reported that year-to-date income tax collections are down nearly 7%, almost \$200,000, or compared to our projected income down 5% or \$140,000 year-to-date. He informed Council that the application for stimulus funding for AMR/AMI has been moved back

Adjournment

and Council will have additional time before a decision needs to be made.

Mrs. Blakey made a motion, seconded by Mrs. Gillis and unanimously approved to adjourn the meeting at 8:05 p.m.

Patrick A. Hale, President of Council

Attest: _____
Bradley C. Vath, Acting Clerk of Council